

**Notice of Allowability**

**Application No.**

09/612,238

**Applicant(s)**

DE SADELEER, JOS WILLY  
GHISLAIN CORNEEL

**Examiner**

Arthur L Corbin

**Art Unit**

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 07-06-04 amendment and remarks.
2. ☒ The allowed claim(s) is/are 21-27(renumbered 1-7).
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                 | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|   | 9. <input type="checkbox"/> Other _____.   |

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claims 1-12 (canceled).

Claim 13 (canceled)

Claim 14 (canceled)

Claim 15 (canceled)

Claim 16 (canceled)

Claim 17 (canceled)

Claim 18 (canceled)

Claim 19 (canceled)

Claim 20 (canceled)

Claim 21 (previously presented): A method for developing wheat gluten comprising:

- (a) mixing a vital wheat gluten 20 - 60 % (d.s. w/w) with a non-aqueous medium that contains less than 20% of water;
- (b) kneading the mixture in a kneader at a temperature of between 50°C and 90°C;
- (c) continuing the kneading in the kneader until a value representing at least 75% of the maximal torque for kneading the mixture in the kneader is reached; and

(d) shaping the developed gluten into a desired form.

Claim 22 (previously presented): A method according to claim 21, wherein the non-aqueous medium contains less than 15% water.

Claim 23 (previously presented): A method according to claim 22, wherein the non-aqueous medium contains less than 10% water.

Claim 24 (previously presented): A method according to claim 21, wherein the water activity of the non-aqueous medium is below 0.8.

Claim 25 (previously presented): A method according to claim 21, wherein said method is conducted whereby the developed gluten product has a water activity such that microbial growth is not possible.

Claim 26 (previously presented): A method according to claim 21, wherein the kneading is halted after 75% of the value representing at least 75% of the maximal torque is reached.

Claim 27 (previously presented): A method according to claim 21, wherein other ingredients are added to the gluten during a later stage of the kneading, or before, during or after shaping.

Claim 28 (canceled)

Claim 29 (canceled)

Claim 30 (not entered): A method according to claim 28, wherein said media contains

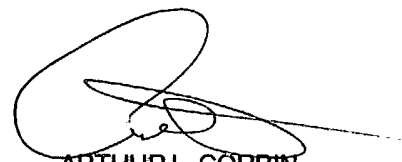
carbohydrate, and the percentage weight ratio of gluten to carbohydrate is greater than 62%.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur L Corbin whose telephone number is 571-272-1399. The examiner can normally be reached on Tuesday-Friday, Alternate Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton I Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALC



ARTHUR L. CORBIN  
PRIMARY EXAMINER  
7-16-04